



United States
Department of
Agriculture

Food Safety
and Inspection
Service

FSIS Directive
4735.4

Revision 2

Reporting Assault, Threats, Intimidation or Interference

REPORTING ASSAULT, THREATS, INTIMIDATION, OR INTERFERENCE

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UNITED STATES DEPARTMENT OF AGRICULTURE
FOOD SAFETY AND INSPECTION SERVICE
WASHINGTON, DC

FSIS DIRECTIVE

4735.4
REVISION 2

5/28/02

REPORTING ASSAULT, THREATS, INTIMIDATION, OR INTERFERENCE

I. PURPOSE

This directive outlines responsibilities for reporting incidents of assault, threats of assault, intimidation, or interference by regulated industry personnel against FSIS employees, during or as a result of their official duties.

II. CANCELLATION

This directive cancels FSIS Directive 4735.4, Revision 1, dated 10/22/97.

III. REASON FOR REISSUANCE

This directive is completely revised to:

A. Update Agency policies and procedures for reporting incidents and filing FSIS Form 4735-4 (Attachment 1).

B. Emphasize the need for and the importance of documenting and reporting various types of incidents.

1. Employees who are **physically assaulted** or threatened with physical assault should follow instructions in Subparagraph XI. A.

2. Employees who are not physically assaulted or threatened with physical assault should follow instructions in Subparagraph XII. A.

C. Increase the supervisory responsibilities for resolving incidents quickly and in a fair manner.

D. Introduce the role of the FSIS WPVPAT and Workplace Violence Hotline.

DISTRIBUTION:

All Offices;
All Inspection Employees

OPI:

OM – Labor and Employee Relations Division

E. Include questions and answers to help employees identify situations that may cause interference with official duties and methods to prevent the escalation to acts of violence (Attachment 2).

F. Establish the communications procedure between the WPVPAT, the ICS, and the DEO divisions as it pertains to FSIS Form 4735-4.

IV. **REFERENCES**

FSIS Directive 4735.3, Employee Responsibilities and Conduct
FSIS Directive 4735.7, Industry Accusations Against Inspection Personnel
FSIS Directive 4771.1, Administrative Grievance System
The Collective Bargaining Agreements

7 CFR Part 7, The Egg Products Inspection Act
7 CFR Part 59, Inspection of Egg and Egg Products
9 CFR Part 500, Rules of Practice

18 U.S.C. 111, Assaulting, Resisting, or Impeding Certain Officers or Employees
18 U.S.C. 1114, Protection of Officers and Employees of the United States
21 U.S.C. 461, Offenses and Punishment--Violations; Liability of Agents, Employees, and Persons
21 U.S.C. 675, Assaulting, Resisting, or Impeding Certain Persons; Protection of Such Persons

V. **ABBREVIATIONS AND FORMS**

The following will appear in their shortened form in this directive:

CFR	Code of Federal Regulations
CS	Circuit Supervisor
DEO	District Enforcement Operations
EED	Evaluation and Enforcement Division
FMIA	Federal Meat Inspection Act
FO	Field Operations
ICS	Internal Control Staff
LERD	Labor and Employee Relations Division
OIG	Office of Inspector General
PPIA	Poultry Products Inspection Act
WPVPAT	Workplace Violence Prevention Assessment Team
WPVPC	Workplace Violence Prevention Coordinator

FSIS Form 4735-4, Reporting Form for Assault, Threats of Assault, Intimidation, or Interference

VI. **POLICY**

It is FSIS policy to:

A. Protect employees from assaults, threats of assault, and other forms of intimidation, or interference relating to the performance of their official duties. FSIS uses appropriate criminal, civil, or administrative remedies of applicable laws and regulations to ensure an environment where Agency employees are able to carry out their statutory responsibilities without fear, intimidation, or interference.

B. Review or conduct an inquiry of all incidents reported under the provisions of this directive.

1. Such acts may lead to the suspension or withdrawal of service following procedures in 7 CFR 59.160(f)(1)(iv) and 9 CFR Part 500, 500.3, and 500.6.

2. Cases of assault or threats of assault against any FSIS employee may be prosecuted under the provisions of U.S. Code (i.e., 18 U.S.C. 111, 18 U.S.C. 1114, 21 U.S.C. 675, or 21 U.S.C. 461(c)).

C. Report such incidents to the OIG for consideration of prosecution.

D. Ensure that reviews and inquiries of incidents are fair and objective.

E. Prevent or resolve incidents promptly by providing employees and supervisors with instructions and training for resolving such incidents.

VII. **COVERAGE**

This directive covers **all** FSIS employees who experience assault, threats, intimidation, or interference as a result of the performance of official duties. This includes situations that occur outside of the employee's tour of duty, but may be associated with official duties.

VIII. **DEFINITIONS**

A. **Affected Employee.** Any FSIS employee subjected to intentional, job related incidents by personnel outside of the Agency. This may include the family of an FSIS employee who is harassed due to their relationship with the employee.

B. **Assault or Threat of Assault.** Any actions that result in bodily harm or perceived as a willful attempt or threat to inflict bodily harm.

C. **Bribery.** An act or practice of giving or promising money, goods, service, favors, or anything of value, to a person in a position of trust to influence their judgment or conduct.

D. **FSIS Regulated Industry.** Any business (official establishment or other regulated industry entity) under FSIS regulatory authority.

E. **Harassment.** Words, gestures and actions which intend to annoy, alarm, and verbally abuse another person; telephone calls without the purpose of legitimate communication; insults, taunts or challenges in a manner likely to provoke a violent or disorderly response; repeated communications (anonymously, at extremely inconvenient hours, or in offensively course language); offensive touching, or any other course of alarming conduct serving no legitimate purpose of the actor.

F. **Immediate Supervisor.** The individual whom an employee reports to or receives direction from.

G. **Interference.** An act or behavior to hamper, hinder, block, or impede the actions or activities of another person. Interference includes non-threatening actions intended to prevent or adversely affect the performance of official duties.

H. **Intimidation.** An act or behavior to compel or deter an action by coercion, extortion, duress or threats.

I. **Other Than FSIS Regulated Industry.** Any individual or group that has an affect on an Agency employee as a result of the affected employee's service with FSIS, but isn't regulated by FSIS.

J. **Retaliation.** An act or behavior motivated by a perceived slight or harm which seeks to harass, intimidate or otherwise harm.

IX. **BRIBERY OR ATTEMPTED BRIBERY**

A. When an employee knows that someone has bribed or attempted to bribe an FSIS employee (i.e., suggested, implied, or offered a bribe) in the form of money, goods, services, favor, or anything of value, the FSIS employee must immediately telephone the appropriate USDA OIG Regional Office. Attachment 3 lists the addresses, telephone numbers, and territories of OIG offices.

B. Any FSIS employee who believes that another employee solicited a bribe must report the incident directly to OIG. (See Attachment 3.)

X. **DOCUMENTATION OF INCIDENTS**

Occasionally, FSIS employees may find themselves in a confrontational situation with establishment employees, supervisors, or owners. Confrontations may range from simple disagreements to violent attempts to interfere with an employee's performance of official duties. Complete and accurate documentation is required to facilitate timely and appropriate resolutions, and to allow for the accurate tracking of incidents. (See Attachment 1.) Incidents may occur while performing official duties or because of official duties. (Attachment 2 contains questions and answers to address disruptive situations and helps Agency employees respond appropriately to incidents.)

A. **Reportable Incidents.** The WPVPAT distributes documentation of reported incidents to the ICS and DEO. District management officials, in conjunction with WPVPAT and EED as necessary, review the seriousness of the incident and take appropriate administrative action. The ICS may conduct independent analysis and follows up on cases. Incidents may include:

1. All job-related incidents of assault, threats of assault, or other forms of intimidation, interference, or retaliation to an employee or family member.
2. Verbal attacks, property damage, or other actions that may be interpreted as an attempt to intimidate or interfere with an employee's performance of official duties. Employees should also report subtle acts of interference that do not involve threats of force.

B. **Suspension of Service.** Any action to prevent an FSIS employee from performing official duties may result in the suspension or withdrawal of inspection services and criminal prosecution. (Refer to 9 CFR, Part 500.) Provisions in the CFR and the U.S. Code specify penalties for offenses against employees or their family members. Several regulations reference the suspension of regulatory services in egg products, poultry, and red meat operations. The Egg Products Inspection Act (7 CFR, Part 7), and the Poultry Products Inspection Act and the Federal Meat Inspection Act are key regulations applicable to this directive.

XI. **PHYSICAL ASSAULT OR THREAT OF PHYSICAL ASSAULT**

A. **Affected Employee Responsibilities.**

1. Withdraws from possible or further harm, immediately.
2. Contacts local law enforcement officials or building security.
3. Obtains medical treatment for any injuries, as appropriate.
4. Contacts the immediate supervisor as soon as possible to discuss the incident. (**NOTE:** If the immediate supervisor is not available, contacts the next higher official or the Workplace Violence Prevention Hotline at 1-888-894-6217.)
5. Completes Section A of FSIS Form 4735-4, immediately after completing the previous steps.
 - a. Sends the original to the immediate supervisor.
 - b. Sends the first carbon copy directly to the district manager or deputy administrator to notify them of the incident.
 - c. Sends the second carbon copy directly to the WPVPAT. (See Attachment 4.) The WPVPAT provides a copy to DEO.

- d. Retains a copy for personal records.

B. Immediate Supervisor Responsibilities. On receipt of employee's notification:

1. Determines the seriousness of the incident. If an employee's safety is involved, removes the employee from the premises and secures advice from higher levels on changing the affected employee's current duty assignment until the matter is resolved. Discusses strategies with the employee to prevent future occurrences, including possible assistance from WPVPAT or a local law enforcement agency.
2. Ensures that the employee has obtained medical attention, if necessary.
3. Notifies building security, as appropriate, and advises the employee of the right to contact law enforcement officials.
4. Secures enough information to decide if plant inspection should be suspended. If appropriate, suspends inspection following 9 CFR Part 500.
5. Advises the district manager or deputy administrator of the incident immediately. Notifies intervening supervisory level(s) and the WPVPAT.
6. Obtains the names of those involved and the names of witnesses who observed the incident. Documents as much information about the incident as possible, including dates, times, locations, pertinent background information, and circumstances causing the incident. Secures available documents from facility. Documents history and potential adverse effects of the incident.
7. Contacts the facility to ensure or initiate resolution and respond to facility concerns.
8. Completes FSIS Form 4735-4, Section B or Sections C **and** D, immediately after completing the previous steps, and forwards, through supervisory channels, to the district manager or deputy administrator.
9. Retains a photocopy of the completed FSIS Form 4735-4, Sections A and B, and any other related documents (**Examples:** Signed or narrative statements, memos), in a clearly labeled red colored file folder in the government office file. Attaches the returned photocopied response from the District Manager or Deputy Administrator, when received, to the completed FSIS Form 4735-4 in the red colored file folder. **NOTE:** Retains all files for 3 years.

C. District Manager, Deputy District Manager for Enforcement, or Deputy Administrator Responsibilities. On receipt of information on an incident:

1. Telephones the appropriate USDA OIG Regional Office immediately when an assault or life threat occurs. Attachment 3 lists the addresses, telephone numbers, and territories of OIG offices. Follows OIG instructions, if any.
2. Ensures that the incident is properly reviewed. Discusses incident case documentation and resolution of incident with the immediate supervisor of the affected employee.
3. Ensures that the employee received appropriate medical attention, contacted the appropriate law enforcement officials, and was adequately supervised/directed within the purview of the reported incident.
4. Determines whether suspension or withholding of inspection is appropriate and initiates actions consistent with 9 CFR Part 500.
5. Reviews the copy of FSIS Form 4735-4 for completeness, adequacy, and appropriateness of actions taken. Includes any additional information.
6. Initiates and maintains the incident case file.
7. Provides a photocopy of the completed FSIS Form 4735-4 to the employee and the immediate supervisor.
8. Forwards a photocopy of the completed FSIS Form 4735-4 within 7 workdays after receipt to the WPVPAT. The WPVPAT monitors and tracks each case for resolution and timeliness, and forwards a copy of the completed FSIS Form 4735-4 to DEO.

XII. NON-PHYSICAL THREATS, INTERFERENCE, OR INTIMIDATION

Incidents may involve non-physical acts intended to intimidate, interfere with, or harass an employee during or as a result of the performance of his or her official duties, and include industry retaliation.

A. Affected Employee Responsibilities.

1. Immediately notifies the immediate supervisor. Discusses whether the effectiveness of the program is impaired and obtains additional instructions.
2. Completes Section A of FSIS Form 4735-4, immediately after completing Step 1.
 - a. Sends the original to the immediate supervisor.
 - b. Sends the first carbon copy directly to the district manager or deputy administrator to notify them of the incident.

c. Sends the second carbon copy directly to the WPVPAT. The WPVPAT provides a copy to DEO.

d. Retains a copy for personal records.

B. Immediate Supervisor Responsibilities.

1. Discusses the incident with the employee and strategies to prevent future occurrences, including possible assistance from WPVPAT or a local law enforcement agency.

2. Determines whether an employee remains at or leaves the establishment. Includes employee safety issues in the discussion.

3. Advises the next higher level of supervision of the incident and notifies DEO and the Assistant District Manager of Enforcement or the Deputy Administrator.

4. Attempts to resolve the incident if the employee was unable to do so.

5. Contacts the facility to ensure or initiate incident resolution and respond to facility concerns.

6. Completes FSIS Form 4735-4, Section B or Sections C **and** D, immediately after completing the previous steps, and forwards, through supervisory channels, to the district manager or deputy administrator.

7. Retains a photocopy of the completed FSIS Form 4735-4, Sections A and B, and any other related documents (**Examples:** Signed or narrative statements, memos), in a clearly labeled red colored file folder in the government office file. Attaches the returned photocopied response from the District Manager or Deputy Administrator, when received, to the completed FSIS Form 4735-4 in the red colored file folder. **NOTE:** Retains all files for 3 years.

C. District Manager, Deputy District Manager for Enforcement, or Deputy Administrator Responsibilities. On receiving notification of the incident:

1. Ensures that the incident is properly reviewed. Documents incident information and ensures that appropriate action is taken to resolve the matter.

2. Determines whether suspension or withholding of inspection is appropriate and initiates actions consistent with 9 CFR Part 500.

3. Reviews the FSIS Form 4735-4 for completeness, adequacy, and appropriateness of actions taken. Includes any additional information.

4. Initiates and maintains the incident case file.

5. Provides a photocopy of the completed FSIS Form 4735-4 to the employee and the immediate supervisor.

6. Forwards a photocopy of the completed FSIS Form 4735-4 within 7 workdays after receipt to the WPVPAT. The WPVPAT monitors and tracks each case for resolution and timeliness, and forwards a copy of the completed FSIS Form 4735-4 to DEO.

XIII. **EMPLOYEE APPEAL RIGHTS**

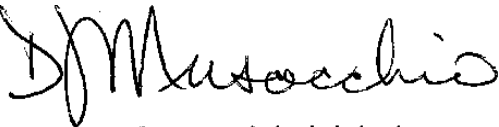
A. Employees may contact the WPVPAT to request a review of the supervisory response if the employee believes the supervisory response is inadequate, inappropriate, or wishes to contest the supervisory action. **NOTE:** This procedural step should not be avoided if the employee disagrees with the outcome of a supervisory inquiry.

B. Employees who wish to contest management actions may file a grievance as follows:

1. **Bargaining Unit Employees**, see the grievance procedure in the Collective Bargaining Agreement.

2. **Non-Bargaining Unit Employees**, see FSIS Directive 4771.1.

C. Employees may also file an EEO discrimination complaint.


for Acting Deputy Administrator
Office of Management

**FSIS FORM 4735-4,
REPORTING FORM FOR ASSAULT, THREATS OF ASSAULT,
INTIMIDATION, OR INTERFERENCE**

U.S. DEPARTMENT OF AGRICULTURE FOOD SAFETY AND INSPECTION SERVICE REPORTING FORM FOR ASSAULT, THREATS OF ASSAULT, INTIMIDATION, OR INTERFERENCE	1. CASE NUMBER (FOR WPVPAT USE)	INSTRUCTIONS: Employee: Complete Section A of this form. Send original to Immediate Supervisor, send the appropriate copy to District Manager and send appropriate copy to Workplace Violence Prevention Assessment Team (<i>address is available in Attachment 4 of FSIS Directive 4735.4 Rev. 2</i>). Retain Employee copy for files.
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SECTION A. EMPLOYEE REPORT OF INCIDENT (Attach further documentation, as needed.)

2. NAME OF EMPLOYEE Jane Smith	3. POSITION/GRADE Consumer Safety Officer GS-11	4. DUTY STATION Raleigh, NC DO	5. EST. NO. 12345 P
6. DATE OF INCIDENT 03/04/2002	7. TIME 0930 EST	8. EST. NAME/LOCATION D.H. Poultry, Inc. Ten Buck, NC	9. INCIDENT TYPE Assault-Death Threat

INCIDENT DESCRIPTION

10. WHAT WERE YOU DOING AT THE TIME?

Reviewing HACCP records and plan following a product recall. I was seated at a desk in the plant's QC office. I was alone in the office prior to the entry of the plant manager, who assaulted and threatened me as described in block 13.

11. NAMES OF THOSE INVOLVED:
John Smith - Plant Manager

12. NAMES OF ANY WITNESSES:
**William Doe - QC Manager
Jack Jones - Postal Employee**

13. WHAT HAPPENED DURING THE INCIDENT? (Attach further documentation as needed.)

John Smith entered the room, followed by William Doe. Smith reached across the desk in front of me and grabbed me by the neck with his hands, attempting to strangle me with force. Doe grabbed Smith from behind and broke his grip on my neck. I fell to the floor from a half crouched position after being pulled from the chair. Smith started shouting at me saying, "I'm sick of the government ruining my life. If you don't get out of my plant in the next 5 minutes, I'm going to kill you." He then repeatedly shouted, "I'll kill you. I swear." I got to my feet from the floor and ran out of the office and down a hallway to a door marked with an exit sign. I exited the plant and ran to the highway, which was about 50 yards away. I flagged down a passing Postal Service truck and asked the driver, Jack Jones, to take me to the police station. Jones complied with my request and took me to the Ten Buck City police station. I notified the desk officer, Sergeant John Law, of the assault and threat. He completed a report, which I signed at approximately 1100 EST.

<i>Make sure blocks 14 thru 21 are checked, yes or no.</i>	YES (✓)	NO (✓)		YES (✓)	NO (✓)
14. LEFT PLANT	✓		18. SUPERVISOR CONTACTED		✓
15. INJURY	✓		19. PROPERTY DAMAGE		✓
16. MEDICAL TREATMENT	✓		20. POLICE CONTACTED	✓	
17. MEDICAL REPORT ATTACHED	✓		21. POLICE REPORT ATTACHED	✓	

22. ADDITIONAL INFORMATION: (Attach further documentation as needed.)

I called my supervisor, Sarah Smart, who is the ADME for the district. I told Ms. Smart of the incident and that I already contacted the police department. Ms. Smart advised me to go to the nearest hospital for observation and said that she would contact the District Manager, the Workplace Violence Prevention Assessment Team, and the Evaluation and Enforcement Division.

I received a call on my cell phone from the Workplace Violence Prevention Assessment Team, who gave me guidance on completing this form. My supervisor, Sarah Smart, referred me to the Employee Assistance Program for help with post traumatic stress related issues. EED officer Barnes advised me not to return to the plant, where my vehicle was still parked, and said that arrangements would be made for getting my vehicle once the situation was under control. Supervisor Smart told me that arrangements would be made for my transportation from the hospital and to call her once the medical examination was complete.

The Emergency Room physician, Dr. Bob Barker, examined me at approximately 1415 EST and told me that I had minor bruises on my neck and knee, but no life threatening injuries. I then called my supervisor who told me to stay at the hospital until she could meet me and transport me home. I was picked up by my supervisor at approximately 1530 EST and returned home. My supervisor asked me to complete this form while she waited, which I did.

<i>I certify that, to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith. A false statement may be grounds for disciplinary action.</i>	23. SIGNATURE /s/ Jane Smith	24. DATE 03/04/2002
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SECTION B. IMMEDIATE SUPERVISOR *(Attach further documentation, as needed)*

Complete Section B, return completed pages 1 & 2 and any additional documentation/comments to employee reporting the incident for completion of Section D. Upon receipt of signature in Section D, Immediate Supervisor sends original through supervisory channels to District Office.

25. NAME OF SUPERVISOR Sarah Smart	26. POSITION/GRADE ADME GS-14	27. DUTY STATION Raleigh, NC
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28. INCIDENT RESOLUTION EFFORTS

Advised the affected employee as described in block 22. On March 3, 2002, based on communications between the CSO, OIG, and the District Manager, issued an oral notification of the refusal to allow poultry products produced at Est. 12345 P to be labeled or tagged as "Inspected and Passed," in accordance with 9 CFR Part 500.3 (a)(6). On March 4, 2002 District Manager Roger Wright issued Notice of Suspension to plant owner, which was sent by FedEx Overnight Priority on that date.

29. INCIDENT STATUS WITH RECOMMENDATIONS

Recommend that suspension of inspection be maintained until adequate corrective actions and preventive measures are presented by plant's owner. Recommend that affected employee attend USDA safety training at Artesian, New Mexico, and Verbal Judo training that is provided for Compliance Officers. Recommend that Workplace Violence Prevention Assessment Team perform threat assessment of plant's situation prior to acceptance of corrective actions and preventive measures from plant owner.

I certify that, to the best of my knowledge and belief, all of my statements are true, correct, complete, and made in good faith. A false statement may be grounds for disciplinary action.

30. SIGNATURE OF SUPERVISOR
/s/ **Sarah Smart**

31. DATE
03/04/2002

SECTION C. OTHER SUPERVISORS

32. NAME OF INTERMEDIATE SUPERVISOR Dr. Bob White	33. POSITION/GRADE Inspector in Charge - GS-12	34. DUTY STATION Ten Buck, NC Est. 12345 P
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35. COMMENTS *(Attach further documentation, as needed.)*

I have never witnessed the plant manager, Mr. John Smith, assault or threaten anyone prior to this incident. Mr. Smith does have a history of reacting defensively when challenged in a regulatory manner.

36. SIGNATURE OF SUPERVISOR /s/ Bob White	37. DATE 03/05/2002
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38. NAME OF DISTRICT MANAGER Roger Wright	39. NAME OF DISTRICT Raleigh DO-80	40. DUTY STATION Raleigh, NC
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41. COMMENTS *(Attach further documentation, as needed.)*

Issued Notice of Suspension as described in block 28 (see attached documentation, which includes Notice of Suspension Letter, dated March 4, 2002). Recommend criminal prosecution of accused plant manager by OIG. Concur with recommendations in block 29. Further recommendations will appear as attachments.

42. SIGNATURE /s/ Roger Wright	43. DATE 03/05/2002
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SECTION D. RECEIPT BY EMPLOYEE IDENTIFIED IN BLOCK 2 OF RESOLUTION EFFORTS FROM IMMEDIATE SUPERVISOR

I acknowledge receipt of immediate supervisor's response and resolution efforts and that this matter was discussed with me by the supervisor. I have read and understand my options and rights as set forth in section XIII of FSIS Directive 4735.4.

44. COMMENTS

Received and discussed all actions taken by District Manager. I request that recommended training occur as soon as possible. I have contact EAP and consider the issues related to this matter to be adequately addressed.

45. SIGNATURE /s/ Jane Smith	46. DATE 03/06/2002
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QUESTIONS AND ANSWERS

This attachment provides questions (Q) and answers (A) to situations and helps implant employees recognize and respond to disruptive action that undermines regulatory responsibilities of the Agency.

General Principles

Agency policy and conduct standards are in FSIS Directive 4735.3. FSIS employees should carry out regulatory duties in a manner that upholds high standards of honesty, integrity, impartiality, and professional conduct. FSIS Agency personnel represent the U.S. Department of Agriculture as regulatory officials. You are responsible for carrying out FSIS's mission to protect the public interest and to enforce meat, poultry, and egg products law and regulations.

Your authority may be challenged at times. Challenges are appropriate when made within the provisions of law and regulation. However, if challenges involve actions designed to harm you and/or family members, consider the action criminal in nature. Immediately report all such actions to your supervisor. The more common challenges are the subtle acts that may be designed to interfere with your official duties. Some challenges may include false allegations about your character or behavior. You may also be repeatedly interrupted while performing your regulatory duties. Example: You may be requested to move your car from the assigned parking space at the plant.

If there is a history of tactics to interfere with your regulatory responsibilities, these may be subject to inquiry or investigation and a withholding or suspension action, or a withdrawal of inspection services from a facility may result. Such cases require accurate and complete documentation. Any action, no matter how minor, designed to prevent you from carrying out your official duties must be reported on FSIS Form 4735-4. Supervisors respond to all incidents, no matter how minor. Records of all reported incidents are maintained within the appropriate district office. The WPVPAT, at headquarters, tracks the case and conducts assessments as necessary.

Workplace Violence Prevention Analysts, (managed by the WPVPC), staff the WPVPAT. The Workplace Violence Hotline (1-888-894-6217), which is available to all FSIS employees 24 hours a day, 7 days a week, is a resource of the WPVPAT.

1. **Q.** *What is intimidation or interference?*

A. Intimidation is any act or behavior to exert power or inappropriately influence your decision. Such actions leave you feeling vulnerable or in fear of some dire consequence. Acts of intimidation are usually made to change your course of action by making you fear some consequence. However, do not confuse the rights of the plant or client to get a second opinion, lodge an appeal of your regulatory action, or otherwise question your actions as long as all actions are professional. Report all incidents of intimidation on or off duty, and any incidents directed at family members.

2. **Q.** *Are threats of reporting you to your supervisor or congressional representative, considered intimidation?*

A. Not necessarily. Such appeals to higher authority are normal when done through the appropriate channels. You should give reasonable explanations for your actions. If your explanations are unsatisfactory, the establishment official may appeal your decision. Supervisors respond to appeals. When you are confronted and the action is to prevent you from performing your regulatory duties, then you are being intimidated.

3. **Q.** *What should I do if a plant official starts arguing with me about how I am performing my official duties?*

A. You are responsible for performing your official duties in a safe and professional manner. You must evaluate the situation and use appropriate action. When possible, avoid confrontations by explaining pending actions that might cause disruption to plant operations. Give reasons for your actions. Arrange to discuss the situation away from distractions, such as noisy equipment. Record the names of witnesses present. If emotions are high, refrain from confronting the individual until he or she calms down. You may also need to calm down before attempting to discuss the incident. When you can no longer perform your official duties, give notice that you are leaving the premises to report the incident to your supervisor.

4. **Q.** *What should be done if the plant owner complains to my supervisor without discussing problems with me?*

A. This situation cannot be avoided. Your supervisor must listen to the plant owner and determine why the plant owner has not resolved the problems with you. The supervisor may either (1) encourage the plant owner, operator or supervisor to work out the problems with you first before getting involved, or (2) immediately become involved by bringing you and the plant official(s) together to work out the problems. The supervisor may suggest ways to resolve the situation.

5. Q. *Do I have to tolerate cursing or suggestive language or behavior when addressed by plant employees?*

A. No. You are a USDA regulatory official conducting official business. You should express your concerns about inappropriate language or behavior to plant officials. If such actions continue, report the incident to your supervisor using FSIS Form 4735-4.

6. Q. *What should I do if an article appears in my local newspaper that questions the way I do my job and its effect on the well being of the community by eventually closing the plant?*

A. As a public official, you are vulnerable to such tactics. Immediately report the incident to your supervisor.

7. Q. *Is it interference when the plant official asks me not to park in the area reserved for the USDA inspector?*

A. Not necessarily. However, keep alert for repeated incidents. If a pattern occurs, there may be reason to suspect the plant is attempting to distract you from your official duties. If you suspect wrongdoing, discuss your objections with the plant official in an attempt to resolve the situation. Inform the plant of its obligation to provide unimpeded access to the facility and that failure to do so may result in regulatory action.

8. Q. *What should I do if my automobile tires are slashed while parked at the official establishment?*

A. Report the incident and any suspicions to the plant official, law enforcement authorities, and your supervisor. Document witnesses and events that may have contributed to the incident on FSIS Form 4735-4.

9. Q. *I have heard that charges of sexual harassment are made to discredit inspectors. Is this true and what can I do to protect myself?*

A. Yes, this situation has occurred. Each case is based on the unique circumstances involved. Always conduct yourself in a professional manner that is above reproach. Conduct yourself as a professional and remain alert for events that seem out of the ordinary. What seems like an innocent encounter may be intentionally designed to compromise your integrity. **EXAMPLE:** Joking or touching may be used as a tool to develop charges against you. Be especially wary of requests for personal favors or other actions to distract you from your official duties. Friendliness is normal, however, remember your responsibility to conduct official business in a professional and ethical manner that is above reproach.

10. Q. *Is it an assault when a plant employee waves a knife at me?*

A. Yes. Do not debate with yourself whether you feel in danger. Consider any act that threatens physical harm, no matter how incidental, an act of assault. It is better to be safe than to second guess the outcome of such an event. Remove yourself from the area and report the incident to your supervisor. Follow the supervisor's instructions.

11. Q. *How do I know that someone is looking at the case and not letting it get forgotten in all the confusion.*

A. Your immediate supervisor and the district manager or deputy administrator are both responsible for ensuring that the case is addressed and resolved. If you have not been informed of the status, please ask your supervisor. In addition, you send a "notification" copy of the report directly to the district manager or deputy administrator, and the WPVPAT tracks the entire case. The WPVPAT uses an incident tracking system to assess whether cases are addressed and resolved promptly.

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